ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOHN MAUZY PITTMAN, CHIEF JUDGE

DIVISION I

CACR07-685

January 30, 2008

WILLIAM LEE ANDREWS
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

APPEAL FROM THE SEBASTIAN COUNTY CIRCUIT COURT [NOS. CR-00-830; 01-158; 02-798; 02-799; 02-800; 04-309; 04-485; 06-516]

HON. J. MICHAEL FITZHUGH, CIRCUIT JUDGE

AFFIRMED

William Lee Andrews appeals from the revocation of prior suspended sentences, for which he was sentenced to seventeen years in the Arkansas Department of Correction. He challenges the sufficiency of the evidence to support the revocations. We affirm.

Between 2001 and 2006, appellant pled guilty in eight cases to no fewer than ten felony offenses. Imposition of sentences or additional sentences to imprisonment was suspended in each case. The conditions of the suspensions included requirements that appellant pay fines and restitution and that he not violate the law. In 2007, the State filed a petition to revoke the suspensions, alleging that appellant had failed to pay the ordered restitution and fines and that he had committed the additional crime of rape. After a hearing, the trial court found that appellant had violated the conditions as alleged, revoked the

suspensions, and sentenced appellant to a total of seventeen years in prison. Appellant contends that insufficient proof was offered to establish that he committed rape or that his failure to pay his fines and restitution was willful.

In order to revoke a suspension, the trial court must find by a preponderance of the evidence that the defendant inexcusably violated a condition of the suspension. Ark. Code Ann. § 5-4-309(d) (Repl. 2006). Where the sufficiency of the evidence is challenged on appeal, the trial court's findings will be upheld unless they are clearly against the preponderance of the evidence. *Wilcox v. State*, 99 Ark. App. 220, ___ S.W.3d ___ (2007). The State only has to show that appellant committed one violation of the conditions of his suspension in order to support a revocation. *Morgan v. State,* 73 Ark. App. 107, 42 S.W.3d 569 (2001). Because a determination of a preponderance of the evidence turns on questions of credibility and weight to be given to the testimony, we defer to the trial judge's superior position. *Wilcox v. State*, *supra*.

Here, the State presented evidence that appellant committed forcible rape while serving his multiple suspensions. The victim testified that she was sixty-four years old and suffered from multiple sclerosis. She stated that appellant was a very recent acquaintance who came to her apartment to watch television. While seated on opposite ends of the sofa, the victim observed appellant begin to masturbate, and she instructed him to leave. Instead, he took her to the bedroom, undressed her, and engaged in sexual intercourse with her against her will. She testified that she protested loudly and screamed at him to stop throughout the ordeal. She testified that she was scared and that she could feel appellant

"tearing her up inside." Later, an examination of the victim was performed by a nurse practitioner, who was recognized by the court as an expert in the area of forensic rape exams. She testified that the victim presented with redness, bruising, and broken blood vessels on the vaginal wall, which indicated blunt trauma. The victim also had two significant vaginal lacerations that the expert said were consistent with a sexual assault.

Appellant contends that the evidence is insufficient to support a finding that he raped the victim because he testified that the intercourse was consensual and because the expert could not state conclusively that the victim had been raped. We cannot agree. The trial court was not required to believe appellant's testimony, *Jones v. State*, 52 Ark. App. 179, 916 S.W.2d 766 (1996), and there is no requirement that a rape victim's testimony be corroborated by any evidence, much less conclusive medical evidence. *See Clem v. State*, 351 Ark. 112, 90 S.W.3d 428 (2002).

In light of our conclusion that the trial court did not clearly err in finding that appellant violated the conditions of his suspensions by committing the offense of rape, we need not decide the issue related to appellant's non-payment of restitution and fines. *See Morgan v. State*, *supra*.

Affirmed.

GLADWIN and BAKER, JJ., agree.